

AMENDED IN SENATE JUNE 22, 2000  
AMENDED IN SENATE MAY 30, 2000  
AMENDED IN ASSEMBLY MARCH 28, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2086**

**Introduced by Assembly Member Reyes**

February 22, 2000

---

---

~~An act to amend Sections 24004, 31402, 34500, 34506, 40000.15, and 40000.21 of, and to add Section 24002.5 to, the~~ *An act to amend Sections 31402, 34506.4, and 40000.15 of, and to add Section 24002.5 to, the* Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2086, as amended, Reyes. Farm labor vehicles: unsafe operation.

(1) Existing law prohibits any person from operating a farm labor vehicle, as defined, except to take the vehicle unladen to a repair shop, after notice by the Department of the California Highway Patrol to the owner that the vehicle is in an unsafe condition or is not equipped as required by the Vehicle Code, or any regulations adopted thereunder, until the vehicle and its equipment have been made to conform with the requirements of that code, or any regulations adopted thereunder, and approved by the department.

This bill would ~~authorize the impoundment for 30 days of any farm labor vehicle operated in violation of the specified prohibition, except as specified~~ *prohibit a person from*

*operating a farm labor vehicle, except as may be necessary to return the unladen vehicle or combination of vehicles to the residence or place of business of the owner or driver, or to a garage, after notice by the department to the owner that the vehicle is in an unsafe condition or is not equipped as required by the Vehicle Code, as prescribed. The bill would make it a misdemeanor for any person to operate a farm labor vehicle in violation of this provision while the vehicle is in a condition that presents an immediate safety hazard, as defined. To the extent that this bill would change the definition of a crime, the bill would impose a state-mandated local program. The bill would require a violation of these provisions be punished by a fine of not less than \$1,000 and not more than \$5,000, or both that fine and a sentence of confinement for not more than 6 months in the county jail. The bill would prohibit the suspension of any part of the fine.*

The bill would make it a misdemeanor for any person to operate a farm labor vehicle in a condition that presents an immediate safety hazard, ~~as defined~~, or in violation of ~~the specified prohibition in a condition that presents an immediate safety hazard provisions of the Vehicle Code~~. The bill thereby would impose a state-mandated local program by creating a new ~~crimes~~-crime. The bill would require that a violation of these provisions be punished by a fine of not less than \$1,000 and not more than \$5,000, or both that fine and a sentence of confinement for not more than 6 months in the county jail. The bill would prohibit the suspension of any part of the fine.

~~The bill would make it a misdemeanor to fail to comply with any rule or regulation adopted by the department regarding the safety of equipment, maintenance, and operation of any farm labor vehicle. The bill thereby would impose a state-mandated local program by creating a new crime.~~

*The bill would authorize any member of the Department of the California Highway Patrol to impound a farm labor vehicle operated in violation of these provisions, as prescribed.*

The bill would make conforming changes ~~in other provisions of existing law by, among other things, specifically including farm labor vehicles in the listing of vehicles that the~~

~~Department of the California Highway Patrol is required to adopt regulations for their safe operation.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares both  
2 of the following:

3 ~~(a) It is the intent of the Legislature that nothing in the~~  
4 ~~act adding this section may be construed to require that~~  
5 ~~farm labor vehicles be added to the state's Biennial~~  
6 ~~Inspection Terminal program or to make the drug testing~~  
7 ~~and other testing requirements included in that program~~  
8 ~~applicable to farm labor vehicles.~~

9 ~~(b) The intent of the Legislature in enacting the~~  
10 ~~amendments made by the act adding this section in~~  
11 ~~Section 34500 of the Vehicle Code is to require farm labor~~  
12 ~~vehicle operators to obtain carrier identification numbers~~  
13 ~~from the Department of the California Highway Patrol~~  
14 ~~for the limited purpose of tracking citations and accidents~~  
15 ~~for individual farm labor vehicles.~~

16 SEC. 2. Section 24002.5 is added to the Vehicle Code,  
17 to read:

18 24002.5. (a) No person may operate a farm labor  
19 vehicle that is in a condition that presents an immediate  
20 safety hazard *or in violation of Section 24004 or 31402.*

21 (b) A violation of this section is a misdemeanor  
22 punishable by a fine of not less than one thousand dollars  
23 (\$1,000) and not more than five thousand dollars (\$5,000),  
24 or both that fine and a sentence of confinement for not  
25 more than six months in the county jail. No part of any  
26 fine imposed under this section may be suspended.

(c) As used in this section, an “immediate safety hazard” includes, but is not limited to, any condition described in the North American Out-of-Service Criteria developed by the Commercial Vehicle Safety Alliance and adopted in the regulations promulgated under Section 34501, but does not include minor equipment violations such as, for example, a single broken tail light lens.

SEC. 3. Section 24004 of the Vehicle Code is amended to read:

24004. (a) No person may operate any vehicle or combination of vehicles, including, but not limited to, farm labor vehicles, after notice by a peace officer, as defined in Section 830.1 or subdivision (a) of Section 830.2 of the Penal Code, that the vehicle is in an unsafe condition or is not equipped as required by this code, except as may be necessary to return the vehicle or combination of vehicles to the residence or place of business of the owner or driver or to a garage, until the vehicle and its equipment have been made to conform with the requirements of this code.

(b) (1) A person who operates a farm labor vehicle in violation of this section while the vehicle is in a condition that presents an immediate safety hazard is guilty of a misdemeanor punishable by a fine of not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000), or both that fine and a sentence of confinement for not more than six months in the county jail. No part of any fine imposed under this subdivision may be suspended.

(2) As used in this subdivision, an “immediate safety hazard” includes, but is not limited to, any condition described in the North American Out-of-Service Criteria developed by the Commercial Vehicle Safety Alliance and adopted in the regulations promulgated under Section 34501, but does not include minor equipment violations such as, for example, a single broken tail light lens.

(c) A farm labor vehicle or any passenger vehicle used by a farm labor contractor, agricultural employer, or

~~agricultural association to transport farmworkers that is operated in violation of this section may be impounded for not more than 30 days, but may be released upon submission of proof satisfactory to the impounding authority that the vehicle and its equipment have been made to conform with the requirements of this code.~~

~~(d) This section does not apply to an employee who does not know that the notice required under subdivision (a) has been issued, and in that event Section 40001 is applicable.~~

~~SEC. 4.— hazard” is any equipment violation described in subdivision (a) of Section 31401 or Section 31405, including any violation of a regulation adopted pursuant to those provisions.~~

~~(d) Any member of the Department of the California Highway Patrol may impound a farm labor vehicle operated in violation of this section pursuant to Section 34506.4.~~

SEC. 3. Section 31402 of the Vehicle Code is amended to read:

31402. (a) No person may operate any farm labor vehicle except ~~to take the vehicle unladen to a repair shop~~ *as may be necessary to return the unladen vehicle or combination of vehicles to the residence or place of business of the owner or driver, or to a garage,, after notice by the department to the owner that the vehicle is in an unsafe condition or is not equipped as required by this code, or any regulations adopted thereunder, until the vehicle and its equipment have been made to conform with the requirements of this code, or any regulations adopted thereunder, and approved by the department.*

~~(b) (1)~~—A person who operates a farm labor vehicle in violation of this section while the vehicle is in a condition that presents an immediate safety hazard is guilty of a misdemeanor punishable by a fine of not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000), or both that fine and a sentence of confinement for not more than six months in the

1 county jail. No part of any fine imposed under this  
2 subdivision may be suspended.

3 (2) As used in this subdivision, an “immediate safety  
4 hazard” ~~includes, but is not limited to, any condition~~  
5 ~~described in the North American Out-of-Service Criteria~~  
6 ~~developed by the Commercial Vehicle Safety Alliance~~  
7 ~~and adopted in the regulations promulgated under~~  
8 ~~Section 34501, but does not include minor equipment~~  
9 ~~violations such as, for example, a single broken tail light~~  
10 ~~lens.~~

11 (e) ~~Any farm labor vehicle operated in violation of this~~  
12 ~~section may be impounded for not more than 30 days, but~~  
13 ~~may be released upon submission of proof satisfactory to~~  
14 ~~the impounding authority that the vehicle and its~~  
15 ~~equipment have been made to conform with the~~  
16 ~~requirements of this code or any regulations adopted~~  
17 ~~thereunder.~~

18 SEC. 5. ~~Section 34500 of the Vehicle Code is amended~~  
19 ~~to read:~~

20 34500. ~~The department shall regulate the safe~~  
21 ~~operation of the following vehicles:~~

22 (a) ~~Motortrucks of three or more axles that are more~~  
23 ~~than 10,000 pounds gross vehicle weight rating.~~

24 (b) ~~Truck tractors.~~

25 (c) ~~Buses, schoolbuses, school pupil activity buses,~~  
26 ~~youth buses, and general public paratransit vehicles.~~

27 (d) ~~Trailers and semitrailers designed or used for the~~  
28 ~~transportation of more than 10 persons, and the towing~~  
29 ~~motor vehicle.~~

30 (e) ~~Trailers and semitrailers, pole or pipe dollies,~~  
31 ~~auxiliary dollies, and logging dollies used in combination~~  
32 ~~with vehicles listed in subdivision (a), (b), (c), or (d).~~  
33 ~~This subdivision does not include camp trailers, trailer~~  
34 ~~coaches, and utility trailers.~~

35 (f) ~~Any combination of a motortruck and any vehicle~~  
36 ~~or vehicles set forth in subdivision (e) that exceeds 40 feet~~  
37 ~~in length when coupled together.~~

38 (g) ~~Any truck, or any combination of a truck and any~~  
39 ~~other vehicle, transporting hazardous materials.~~

40 (h) ~~Farm labor vehicles.~~

1 ~~(i) Manufactured homes which, when moved upon~~  
2 ~~the highway, are required to be moved under a permit as~~  
3 ~~specified in Section 35780 or 35790.~~

4 ~~(j) A park trailer, as described in subdivision (b) of~~  
5 ~~Section 18010 of the Health and Safety Code, which, when~~  
6 ~~moved upon a highway, is required to be moved under a~~  
7 ~~permit pursuant to Section 35780.~~

8 ~~(k) Any other motortruck not specified in subdivisions~~  
9 ~~(a) to (i), inclusive, or subdivision (l), that is regulated~~  
10 ~~by the Public Utilities Commission or the Interstate~~  
11 ~~Commerce Commission, but only for matters relating to~~  
12 ~~hours of service and logbooks of drivers.~~

13 ~~(l) Any commercial motor vehicle with a gross vehicle~~  
14 ~~weight rating of 26,001 or more pounds or any~~  
15 ~~commercial motor vehicle of any gross vehicle weight~~  
16 ~~rating towing any vehicle described in subdivision (e)~~  
17 ~~with a gross vehicle weight rating of more than 10,000~~  
18 ~~pounds, except combinations including camp trailers,~~  
19 ~~trailer coaches, or utility trailers. For purposes of the~~  
20 ~~subdivision, the term “commercial motor vehicle” has~~  
21 ~~the meaning defined in subdivision (b) of Section 15210.~~

22 ~~SEC. 6. Section 34506 of the Vehicle Code is amended~~  
23 ~~to read:~~

24 ~~34506. It is a misdemeanor to fail to comply with any~~  
25 ~~rule or regulation adopted by the Department of the~~  
26 ~~California Highway Patrol pursuant to Section 34501,~~  
27 ~~34501.5, 34508, or 34513 regarding any of the following:~~

- 28 ~~(a) Hours of service of drivers.~~  
29 ~~(b) Hazardous material transportation.~~  
30 ~~(c) Schoolbus construction, design, color, equipment,~~  
31 ~~maintenance, or operation.~~  
32 ~~(d) Youth bus equipment, maintenance, or operation.~~  
33 ~~(e) Tour bus equipment, maintenance, or operation.~~  
34 ~~(f) Equipment, maintenance, or operation of any~~  
35 ~~vehicle described in subdivision (a), (b), (c), (d), (e),~~  
36 ~~(f), or (g) of Section 34500.~~  
37 ~~(g) Equipment, maintenance, or operation of any~~  
38 ~~school pupil activity bus.~~  
39 ~~(h) Equipment, maintenance, or operation of any~~  
40 ~~farm labor vehicle.~~



~~SEC. 7.~~— *hazard” is any equipment violation described in subdivision (a) of Section 31401 or Section 31405, including any violation of a regulation adopted pursuant to that provision or those provisions.*

*(c) Any member of the Department of the California Highway Patrol may impound a farm labor vehicle operated in violation of this section pursuant to Section 34506.4. A farm labor vehicle shall not be impounded unless a member of that department determines that a person has failed to comply with subdivision (a) or a person fails to comply with a lawful out-of-service order, as described in subdivision (b) of Section 2800.*

*SEC. 4. Section 34506.4 of the Vehicle Code is amended to read:*

*34506.4. (a) Any member of the Department of the California Highway Patrol may remove from the highway and have placed in a storage facility, any vehicle described in subdivision (a) of Section 22406, subdivision (g) of Section 34500, and any motortruck with a gross vehicle weight rating of more than ~~10,101~~ 10,000 pounds, which is in an unsafe condition. ~~At~~*

*(b) Any member of the Department of the California Highway Patrol may impound any farm labor vehicle operated in violation of subdivision (b) of Section 2800, subdivision (a) of Section 24002.5, or subdivision (a) of Section 31402, subject to the following requirements:*

*(1) A farm labor vehicle impounded for a first violation of subdivision (b) of Section 2800, subdivision (a) of Section 24002.5, or subdivision (a) of Section 31402 may be released within 24 hours upon delivery to the impounding authority of satisfactory proof that the vehicle will be legally moved or transported to a place of repair.*

*(2) A farm labor vehicle may be impounded for not more than 10 days for a second violation of subdivision (b) of Section 2800, subdivision (a) of Section 24002.5, or subdivision (a) of Section 31402, or any combination of two of those provisions, if the original equipment or maintenance violation has not been repaired to comply with existing law.*



(3) A farm labor vehicle may be impounded for not more than 30 days for a third or subsequent violation of subdivision (b) of Section 2800, subdivision (a) of Section 24002.5, or subdivision (a) of Section 31402, or any combination of three or more of those provisions, if the original equipment or maintenance violation has not been repaired to comply with existing law.

(c) All towing and storage fees for a vehicle removed under this section shall be paid by the owner.

SEC. 5. Section 40000.15 of the Vehicle Code is amended to read:

40000.15. A violation of any of the following provisions shall constitute a misdemeanor, and not an infraction:

Sections 23103 and 23104, relating to reckless driving.

Section 23109, relating to speed contests or exhibitions.

Subdivision (a) of Section 23110, relating to throwing at vehicles.

Section 23152, relating to driving under the influence.

Subdivision (b) of Section 23222, relating to possession of marijuana.

Subdivision (a) or (b) of Section 23224, relating to persons under 21 years of age knowingly driving, or being a passenger in, a motor vehicle carrying any alcoholic beverage.

Section 23253, relating to officers on vehicular crossings.

Section 23332, relating to trespassing.

Section 24002.5, relating to unlawful operation of a farm vehicle.

Section 24011.3, relating to vehicle bumper strength notices.

Section 27150.1, relating to sale of exhaust systems.

Section 27362, relating to child passenger seat restraints.

Section 28050, relating to true mileage driven.

Section 28050.5, relating to nonfunctional odometers.

Section 28051, relating to resetting odometers.

Section 28051.5, relating to devices to reset odometers.

Subdivision (d) of Section 28150, relating to possessing four or more jamming devices.

~~SEC. 8. Section 40000.21 of the Vehicle Code is amended to read:~~

~~40000.21. A violation of any of the following provisions is a misdemeanor, and not an infraction:~~

~~(a) Subdivision (a) of Section 34506, relating to the hours of service of drivers.~~

~~(b) Subdivision (b) of Section 34506, relating to the transportation of hazardous materials.~~

~~(c) Subdivision (c) of Section 34506, relating to schoolbuses.~~

~~(d) Subdivision (d) of Section 34506, relating to youth buses.~~

~~(e) Section 34505 or subdivision (e) of Section 34506, relating to tour buses.~~

~~(f) Section 34505.5 or subdivision (f) of Section 34506, relating to vehicles described in subdivisions (a) to (g), inclusive, of Section 34500.~~

~~(g) Subdivision (a) of Section 34501.3, relating to unlawful scheduling of runs by motor carriers.~~

~~(h) Subdivision (g) of Section 34506, relating to school pupil activity buses.~~

~~(i) Subparagraph (D) of paragraph (4) of subdivision (a) of Section 34505.9, relating to intermodal chassis.~~

~~(j) Subdivision (h) of Section 34506, relating to farm labor vehicles.~~

~~SEC. 9.—~~

~~SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~